

SENATE JOURNAL

Thirty-eighth Legislature—Special Session (1st called)

AUSTIN, TEXAS, THURSDAY, MARCH 15, 1923.

PROCEEDINGS

FIRST DAY.

Senate Chamber,
Austin, Texas.

Thursday, March 15, 1923.

In obedience to the call of His Excellency, Hon. Pat M. Neff, Governor of the State of Texas, convening the Thirty-eighth Legislature in First Special Session, this, the 15th day of March, 1923, the Senate met in the Senate Chamber of the Capitol in the city of Austin at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

Temporary Officers.

The Chair announced the appointment of the following temporary officers of the Senate:

W. V. Howerton, Secretary.
Richard Blalock, Assistant Secretary.
Tilden Childs, Journal Clerk.
Mrs. Josephine Collins, Assistant Journal Clerk.
A. W. Holt, Sergeant-at-Arms.
J. A. Kinney, Assistant Sergeant-at-Arms.
Morris Midkiff, Assistant Sergeant-at-Arms.
W. H. Brummet, Doorkeeper.
Lane Tynes, Assistant Doorkeeper.
Miss Mary Jacobs, Telephone Operator.

Roll Call.

The roll was called and the following Senators answered to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Darwin.	Rice.
Doyle.	Ridgeway.
Dudley.	Rogers.
Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.

Turner.
Watts.
Wirtz.

Witt.
Wood.
Woods.
Absent.

Clark.
Davis.

Cousins.

A quorum was announced present.
Prayer by Rev. T. M. Dalton, Temporary Chaplain.

Proclamation of the Governor of the State of Texas.

To all to whom these presents shall come:

Whereas, The Regular Session of the Thirty-eighth Legislature, according to resolution heretofore adopted, will adjourn Wednesday, March 14th, without having made appropriation for the operating expenses of the Texas government and her institutions; and

Whereas, It now seems apparent that revenue measures providing adequate funds for the proper support and maintenance of our public schools and eleemosynary institutions, for the coming two years, will not be enacted into laws; and

Whereas, On yesterday the Texas Senate smothered to death a bill providing that the courts of this country be vested with authority to remove from office an officer against whom it had been proven in open court and before a jury that he had willfully and corruptly failed and refused to enforce the laws of the country; and

Whereas, The Texas Senate has so far failed to pass on the House Bill which has been on its calendar for some days, providing an effective method of punishing outlaws who openly and unfearingly manufacture and sell whiskey in Texas; and

Whereas, There are some real constructive legislative measures that ought to be enacted into laws for the growth and on-going of Texas which have not yet been passed;

Now, therefore, I, Pat M. Neff, Governor of the State of Texas, by virtue

of the authority vested in me by the Constitution of the State of Texas, in Article 4, Section 8, do hereby call the Thirty-eighth Legislature in extraordinary session to convene in the city of Austin, Texas, at ten o'clock, Thursday morning, March 15th, A. D. 1923, for the following purposes, to-wit:

1st. To provide sufficient funds by every means known to the Constitution and statutes of Texas to properly maintain our public schools, our eleemosynary asylums, our Texas government, and all her institutions.

2nd. To make appropriations within the available revenue for the support and maintenance of our schools, our State eleemosynary institutions, and the Texas government.

3rd. To vest the courts of Texas with effective authority to remove from office any officer against whom it can be proven in open court and before a jury, that such officer has willfully and corruptly failed and refused to enforce, as he took an oath to enforce, the laws of the country.

4th. To pass such laws as will make effective the provisions of the Federal Constitution and the provisions of the Texas Constitution which prohibit the manufacture and the sale of intoxicating beverages.

5th. To consider and act upon such matters of vital constructive importance as may be presented by the Governor pursuant to Section 40, Article 3, of the Constitution of Texas.

In testimony whereof, I have hereunto signed my name officially, and caused to be impressed hereon the Seal of the State, at the city of Austin, Texas, this, the 10th day of March, A. D. 1923.

(Signed) PAT M. NEFF, Governor.

By the Governor:

(Signed) S. L. STAPLES,
Secretary of State.

Filed in the office of Secretary of State this, the 10th day of March, A. D. 1923.

(Signed) S. L. STAPLES,
Secretary of State.
United States of America
State of Texas

I, S. L. Staples, Secretary of State of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of the proclamation issued by Pat M. Neff, Governor of Texas, calling a Special Session of the Thirty-eighth Legislature to convene in the city of Austin, Texas, at ten o'clock a. m., Thursday, March the 15th, 1923, as said proc-

lamation now appears of record in this department.

In testimony whereof, I have hereunto signed my name officially, and caused the Seal of State to be hereon impressed at the city of Austin, Texas, this, the 15th day of March, A. D. 1923.

S. L. STAPLES,
Secretary of State.

Committee Appointed to Notify House and Governor.

Upon motion of Senator Strong, the following committee was appointed to notify the Governor and the House that the Senate was temporarily organized and ready for work.

To notify the Governor: Senators Murphy, Bowers and Rice.

To notify the House: Senators Strong, Wood and Fairchild.

The committees reported that they had performed their duties and were discharged with thanks for their services.

Senate Notified.

A committee from the House appeared at the bar of the Senate, and being announced, reported that the House was organized and ready for business.

Election of President Pro Tem.

Senator Darwin nominated Senator McMillin for President Pro Tem of the Senate.

Seconding speeches were made by Senators Dudley, Woods, Ridgeway, Burkett, Fairchild, Holbrook, Stuart, Watts, Rogers.

The Chair appointed Senators as tellers, and requested the Senators to prepare their ballots.

The tellers canvassed the votes and announced that Senator McMillin had received 24 votes.

The Chair declared Senator McMillin duly and constitutionally elected President Pro Tem of the Senate for the First Called Session of the Thirty-eighth Legislature.

Senator McMillin was escorted to the President's stand by Senators Baugh, Lewis, and Ridgeway, the committee appointed for the purpose, and took the constitutional oath of

the office and was presented to the Senate, and made a brief address.

H. C. R. No. 1.

The Chair laid before the Senate H. C. R. No. 1, providing for sine die adjournment of the First Called Session of the Thirty-eighth Legislature at 11 o'clock a. m. on March 15, 1923.

The resolution was read and adopted.

Reasons for Vote.

Please record us as voting no on sine die adjournment for First Called Session of Legislature.

STRONG,
THOMAS.

Addition to Standing Committee.

By unanimous consent, Senator Lewis was added to the Committee on Finance.

Election of President Pro Tem Ad Interim.

Senator Bailey nominated Senator Witt for President Pro Tem Ad Interim.

Senators Fairchild, Dudley, Woods, Holbrook, Bowers, Darwin, Floyd, Burkett, Doyle and Ridgeway seconded the nomination of Senator Witt.

The Chair appointed Senators Burkett, Thomas and Fairchild as tellers, and requested the Senators to prepare their ballots.

The tellers canvassed the vote and announced that Senator Witt had received 23 votes.

The chair declared Senator Witt duly and constitutionally elected President Pro Tem of the Senate Ad Interim.

The Chair appointed Senators Dudley, Doyle and Woods as a committee to escort Senator Witt to the President's stand, and he took the constitutional oath of office, and afterwards addressed the Senate.

Committees of Notification.

The Chair appointed Senators

Watts, Ridgeway and Rogers to notify the Governor that the Senate had completed its labors and was ready to adjourn.

The Chair appointed Senators Lewis, Darwin and Woods to notify the House that the Senate had completed its labors and was ready to adjourn.

Committees Report Back to Senate.

The Senate Committee appointed to notify the House, reported that they had performed their duty and had notified the House that the Senate was ready to adjourn.

The committee appointed to notify the Governor reported that they had performed their duty.

The committees having reported the performance of their duty, they were discharged, with thanks.

Bills Signed.

The Chair, President Pro Tem D. S. McMillin, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, H. C. R. No. 1.

House Glee Club.

A large delegation from the House appeared at the bar of the Senate, and upon being announced, rendered a number of glee club numbers, closing with "Auld Lang Syne."

Vote Explained.

I vote "no" against the House Concurrent Sine Die Resolution to adjourn at eleven o'clock on the first day of the First Called Session of the Thirty-eighth Legislature for the following reasons: The Constitution and laws of the State vest in the Governor the power and authority to call the Legislature together in extraordinary session. The time when he shall do this is a prerogative that belongs exclusively to him. Whatever might be the individual or collective views of the members of the Legislature as to the wisdom or unwisdom of calling extraordinary sessions at any particular time or times, the right and responsibility of so doing belong to the Governor of the

State. While I would have preferred a later date, I feel that in this matter my personal preferences should yield to the official views of the Executive. These are my individual views and are not intended to be in any way a criticism of those who may differ from them.

LEWIS.

Simple Resolution No. 1.

By Senators Fairchild and Wirtz:

Whereas, The press boys have been very loyal, accurate and efficient and have assisted the citizenship of Texas in many ways and have kept them informed as to the proceedings of the Texas Senate and have advised them as to all public questions that have been before the Senate and of interest to the State, and have performed this duty in an impartial and unbiased manner;

We, therefore, wish to express to them our sincere thanks for the duties they have performed and for the interest that they have taken in legislation and for the assistance that they have given us in the performance of our duties.

FAIRCHILD.
WIRTZ.

The resolution was read and adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 15, 1923.

Hon. T. W. Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. C. R. No. 1, relating to sine die adjournment of the First Called Session of the Thirty-eighth Legislature at 11 o'clock a. m., March 15th.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk House of Representatives.

House Notifies Senate.

A committee from the House notified the Senate that the House had completed its labors and was ready to adjourn at the designated hour.

Adjournment Sine Die.

On motion of Senator Dudley, the Senate at 11 o'clock a. m., Thursday, March 15th, 1923, adjourned sine die.